

It was alleged in the libel that the article was misbranded in that the packages and the labels on the packages and cartons containing the article bore statements, namely, "One Lb. Prints in One Lb. Cartons" and "Quarter Lb. Prints in One Lb. Cartons," which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents of each carton was not plainly and conspicuously marked on the outside thereof, since the quantity of food contained in the said carton was less than the quantity represented on the label.

On or about March 15, 1929, Swift & Co., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be removed from the deceptive cartons and packed in bulk and reshipped to the claimant at Fort Worth, Tex., there to be repacked in compliance with the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16456. Adulteration and alleged misbranding of butter. U. S. v. 14 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23804. I. S. No. 07625. S. No. 1923.)

On or about April 15, 1929, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the David Cole Creamery Co., Omaha, Nebr., on or about March 26, 1929, and transported from the State of Nebraska into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Elegant Creamery Butter Quarter Prints * * * Farmers' Co-operative Creamery Co. One Pound Net."

It was alleged in the libel that the article was deficient in butterfat, did not comply with the standard established by Congress, and was short weight. Adulteration of the article was alleged in that a substance deficient in butterfat had been mixed and packed with it, so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article in that the statement "One Pound Net" was false and misleading and deceived and misled the purchaser, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on the package was not correct.

On April 19, 1929, Gerde, Newman & Co., New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libel, a decree was entered finding the product adulterated and ordering its condemnation, and it was further ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it be reworked under the supervision of this department and should not be sold or disposed of until it contains more than 80 per cent of butterfat and complies with the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16457. Adulteration of walnut meats. U. S. v. 8 Boxes of Walnut Meats. Decree of condemnation entered. Product released upon deposit of collateral. (F. & D. No. 23770. I. S. No. 07799. S. No. 1957.)

On May 18, 1929, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 boxes of walnut meats, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Southern California Supply Co., from Los Angeles, Calif., March 3, 1929, and transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Invincible Brand * * * Distributed by the Southern California Supply Co., Inc., Los Angeles, California."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On May 21, 1929, the Oscar Lucks Co., Seattle, Wash., having appeared as claimant for the property and having admitted the allegations of the libel and paid the costs of the proceedings, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant for reconditioning under the supervision of this department, upon deposit of collateral security in the sum of \$250 to insure compliance with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16458. Adulteration of walnut meats. U. S. v. 22 Cases of Walnut Meats. Decree of condemnation entered. Product released upon deposit of collateral. (F. & D. No. 23771. I. S. No. 07800. S. No. 1958.)

On May 18, 1929, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 22 cases of walnut meats, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the California Walnut Growers Association, from Los Angeles, Calif., and transported from the State of California into the State of Washington, arriving at Seattle on or about December 4, 1928, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On May 21, 1929, the Oscar Lucks Co., Seattle, Wash., having appeared as claimant for the property and having admitted the allegations of the libel and paid the costs of the proceedings, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant for reconditioning under the supervision of this department, upon deposit of collateral security in the sum of \$250 to insure compliance with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16459. Misbranding of butter. U. S. v. 25 Cases of Butter, et al. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23805. I. S. Nos. 07580, 07581, 07582, 07583. S. No. 1850.)

On March 12, 1929, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 44 cases of butter, remaining in the original unbroken packages at Shreveport, La., alleging that the article had been shipped by the Fort Smith Creamery Co., from Fort Smith, Ark., in various lots on February 6, February 25, March 4, and March 6, 1929, respectively, and transported from the State of Arkansas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Retail carton) "1 Lb. Net Weight."

It was alleged in the libel that the article was misbranded in that the statement "1 Lb. Net Weight," borne on the packages containing the said article, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents of each carton was not plainly and conspicuously marked on the outside thereof, since the quantity of food contained therein was less than the quantity labeled and represented on the said carton.

On or about March 14, 1929, the Fort Smith Creamery Co., Fort Smith, Ark., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reshipped to the claimant at Fort Smith, Ark., and removed from the deceptive cartons and repacked in compliance with the requirements of the Federal food and drugs act under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*